SINGLE BENCH (2) (4)

C.D.-100/-

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (C.G.)

W.P. NO. 3810 **/2006**

PETITIONER : U.K. Das,
aged about 42 years, S/o. Late Shri Arjun Das, Assistant Teacher, Presently posted at Aadiwasi Balak Aashram Barekel Khurd, Pithora, District Mahasamund (C.G.)

P.R. No. 3867/06
Presented by Shri R. Pradhan
dated 24.12.06

VERSUS

RESPONDENTS:

1. The State of Chhattisgarh
Through : Secretary
Aadim Jati Anusuchit Jati Vikas Vibhag, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

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2. Additional Secretary
Aadim Jati Anusuchit Jati Vikas Vibhag, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

3. Commissioner
Aadim Jati Anusuchit Jati Vikas Vibhag, D.K.S. Bhawan, Mantralaya, Raipur (C.G.)

4. The Collector
Mahasamund, Distt. Mahasamund (C.G.),

5. District Coordinator
Tribal Welfare Department
Mahasamund, District Mahasamund (C.G.)

(5) (3)

6. Jai Karan Singh
Assistant Teacher
Primary School Jagatpur,
Vikas Khand Ramanuj-nagar,
District Sarguja (C.G.)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(55)

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 3810/2006 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	4.8.2006:-	

Shri R. Pradhan, counsel for the petitioner.

Shri Sumesh Bajaj, Government Advocate for the State/ respondents No.1 to 5, on advance copy.

Heard both the counsel.

By the instant petition, the petitioner, who is working as Assistant Teacher at Aadiwasi Balak Aashram Barkel Khurd, Pithora, District Mahasamund, has challenged his transfer order dated 7th July 2006 whereby he has been transferred from Pithora District Mahasamund to Jagatpur, Vikas Khand Ramanujnagar, District Surguja.

The main grievance raised by the petitioner in this writ petition is that being an Assistant Teacher his post is of District Cadre and as per the Policy framed by the Government, the district cadre employees are not transferred at the State Level, but in case of marriage or in special circumstances, after obtaining NOC from both districts, the transfer can be effected.

Learned counsel for the petitioner submitted that the transfer of the petitioner is in violation of the State Policy. He further submitted that being a district cadre post, seniority of the petitioner shall also be effected. Presently, in the seniority list, the petitioner stands at S. No.18 and 14 persons have already been promoted to the post of UDT and the petitioner's promotion is due, therefore, if the impugned transfer order is allowed to be implemented, then it will affect the

P.T.O.

XI-HC-78

(56)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	seniority of the petitioner also. In the circumstances, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to the respondent No.2 and he be directed to decide the same, to which learned counsel for respondents has no objection. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case and without expressing any opinion on the merit of the case, the prayer made by learned counsel for the petitioner is just, fair and reasonable. Therefore, the petitioner is allowed to make a detailed representation along with a copy of this petition to respondent No.2 within a period of 10 days from today and in turn, respondent No.2 is directed to decide representation of the petitioner within a period of 30 days from the date of receipt of representation, after considering all the points raised by the petitioner, in accordance with law. In the meantime, the effect and operation of the impugned order in respect of the petitioner shall remain stayed, till the representation of the petitioner is decided. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.2971/2006 and I.A. No.7249/2006 also stand disposed of. Parties are entitled for certified copy of this order. Sd/- L.C.Bhadoo Judge	
Barve		

P.T.O.

7.8.06